

JOURNAL OF THE FLORIDA SENATE

Thursday, June 24, 1971

The Senate was called to order by the President at 10:00 a.m.
A quorum present—41:

Mr. President	de la Parte	Karl	Reuter
Barron	Ducker	Knopke	Saunders
Barrow	Fincher	Lewis (33rd)	Sayler
Beaufort	Gong	Lewis (43rd)	Scarborough
Bishop	Graham	McClain	Stolzenburg
Boyd	Haverfield	Myers	Trask
Brantley	Henderson	Ott	Ware
Childers	Horne	Plante	Weissenborn
Daniel	Johnson (29th)	Pope	Williams
Deeb	Johnson (34th)	Poston	Wilson

Excused: Senator Hollahan until 2:00 p.m., Senators Branen, Gunter, Broxson, Arnold, Weber, Lane and Bell.

Prayer by Senator Karl:

Father, again we assume that this will be our last day together for this legislative session. With humble hearts we pause to give you thanks for the help and guidance you have so generously bestowed upon us. Again we ask your forgiveness for our deficiencies and trespasses while we make firm resolutions to avoid these and similar mistakes in the future. In the days ahead, as we reflect on the 1971 Legislative Session let us be ever mindful of the need for your continued help.

Let us not be guilty of the journalist L'Estrange's charge that "we mistake the gratuitous blessings of heaven for the fruits of our industry." We petition you to continue your watchfulness over us in the days ahead so that we may have safe journeys home and be permitted to continue our work dedicated to your honor and glory. Amen.

The Journal of June 23 was corrected and approved as follows:

Page 107, counting from the bottom of column 1, line 6, strike "withstanding" and insert: withdrawing

ENGROSSING REPORT

Your Engrossing Clerk to whom was referred—

SB 9-C with 2 amendments

—reports that the Senate amendments have been incorporated and the bill is returned herewith.

ELMER O. FRIDAY
Secretary of the Senate

The bill was certified to the House.

The President presiding.

Senator Graham presiding.

The President presiding.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jerry Thomas
President of the Senate

June 22, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote and passed—

By Representative Murphy—

HB 68-C—A bill to be entitled An act relating to Pinellas County; authorizing the issuance of beverage licenses to golf clubs in Pinellas County which are municipally or privately leased, notwithstanding the provisions of §561.20(6), Florida Statutes; providing an effective date.

Proof of Publication attached.

By Representatives Shaw and Hollingsworth—

HB 77-C—A bill to be entitled An act incorporating and chartering a municipality to be known as the Town of Raiford in Union County, Florida, to define its territorial boundaries, to provide for its government, powers, authority, privileges and jurisdiction, to establish the form of government of said town, providing for a referendum election and effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

Evidence of notice and publication was established by the Senate as to HB 68-C.

HB 68-C, contained in the above message, was admitted for introduction by the required Constitutional two-thirds vote of the membership. The vote was: Yeas—32 Nays—None

Mr. President	Deeb	Lewis (33rd)	Sayler
Barrow	Ducker	Lewis (43rd)	Scarborough
Beaufort	Fincher	Myers	Stolzenburg
Bishop	Graham	Ott	Trask
Boyd	Haverfield	Plante	Ware
Brantley	Horne	Pope	Weissenborn
Childers	Johnson (29th)	Poston	Williams
Daniel	Knopke	Saunders	Wilson

HB 77-C, contained in the above message, was admitted for introduction by the required Constitutional two-thirds vote of the membership. The vote was: Yeas—36 Nays—None

Mr. President	Deeb	Knopke	Saunders
Barron	de la Parte	Lewis (33rd)	Sayler
Barrow	Ducker	Lewis (43rd)	Scarborough
Beaufort	Fincher	McClain	Stolzenburg
Bishop	Graham	Myers	Trask
Boyd	Haverfield	Ott	Ware
Brantley	Horne	Plante	Weissenborn
Childers	Johnson (29th)	Pope	Williams
Daniel	Johnson (34th)	Poston	Wilson

The Honorable Jerry Thomas
President of the Senate

June 17, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the Constitutional two-thirds vote and passed—

By Representative Walker—

HB 46-C—A bill to be entitled An act relating to the designation of Kirby Storter Park; providing for the naming of a specifically described roadside park on state road 90 in Collier County; authorizing the erection of appropriate markers; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 46-C, contained in the above message, was admitted for introduction by the required Constitutional two-thirds vote of the membership. The vote was: Yeas—34 Nays—None

Mr. President	Deeb	Lewis (33rd)	Sayler
Barron	de la Parte	Lewis (43rd)	Scarborough
Barrow	Ducker	McClain	Stolzenburg
Beaufort	Graham	Myers	Trask
Bishop	Haverfield	Ott	Ware
Boyd	Hollahan	Plante	Weissenborn
Brantley	Horne	Pope	Wilson
Childers	Karl	Poston	
Daniel	Knopke	Saunders	

The Honorable Jerry Thomas
President of the Senate

June 23, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote and passed—

By Representative Stevens and others—

HB 79-C—A bill to be entitled An act relating to Pasco County; providing that upon approval at a referendum the qualified electors of the county request the legislature to divide the county; providing a referendum.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 79-C, contained in the above message, failed to receive the required Constitutional two-thirds vote of the membership for introduction. The vote was:

Yeas—27

Barrow	Ducker	McClain	Scarborough
Beaufort	Graham	Myers	Stolzenburg
Bishop	Haverfield	Ott	Trask
Brantley	Horne	Plante	Ware
Childers	Johnson (29th)	Poston	Weissenborn
Daniel	Knopke	Saunders	Wilson
Deeb	Lewis (33rd)	Sayler	

Nays—2

Barron	de la Parte
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By unanimous consent Senator Reuter was recorded as voting yea.

Senator Deeb moved that the Senate reconsider the vote by which HB 79-C failed to be admitted for introduction. The motion was adopted.

HB 79-C was admitted for introduction by the required Constitutional two-thirds vote of the membership. The vote was: Yeas—33 Nays—None

Barron	Ducker	Lewis (33rd)	Stolzenburg
Barrow	Graham	McClain	Trask
Beaufort	Henderson	Ott	Ware
Bishop	Hollahan	Plante	Weissenborn
Boyd	Horne	Pope	Williams
Brantley	Johnson (29th)	Poston	Wilson
Childers	Johnson (34th)	Saunders	
Daniel	Karl	Sayler	
Deeb	Knopke	Scarborough	

The bills, contained in the above messages, were read the first time by title and placed on the local calendar.

The Honorable Jerry Thomas
President of the Senate

June 23, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote and passed with amendments—

By Senator Knopke and others—

SB 50-C—A bill to be entitled An act relating to alcoholic beverage licenses; authorizing the issuance of a 4 COP Liquor license to the Egypt Temple Holding Corporation, Inc., in Hillsborough County, Florida, under authority of Chapter 561, Florida Statutes annotated; providing for certain limitations affecting transfer and service; providing an effective date.

Amendment 1—

On page 1, line 17, strike all of Section 1 and insert the following:

Section 1. Notwithstanding the limitation on club licenses under section 561.20, Florida Statutes, the division of beverage shall issue a club license pursuant to section 561.34, Florida Statutes, to the Egypt Temple Holding Corporation, Inc., in Hillsborough County, provided the club meets all other requirements of the beverage law.

Amendment 2—

In the title, on page 1, line 6, strike 4 COP and insert the following: club

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

On motions by Senator Knopke, the Senate concurred in House amendments to SB 50-C.

SB 50-C passed as amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—25

Barrow	Fincher	Myers	Stolzenburg
Bishop	Graham	Ott	Trask
Brantley	Horne	Plante	Ware
Daniel	Johnson (29th)	Poston	Weissenborn
Deeb	Knopke	Reuter	
de la Parte	Lewis (43rd)	Saunders	
Ducker	McClain	Scarborough	

Nays—4

Barron	Childers	Lewis (33rd)	Wilson
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By unanimous consent Senator Beaufort was recorded as voting yea.

The Honorable Jerry Thomas
President of the Senate

June 22, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15 and 16 to—

By the Committee on Transportation and Representatives Holloway and Poole—

HB 28-C—A bill to be entitled An act relating to transportation; providing for establishment of regional transportation

authorities; providing purposes and powers of the authorities for public transportation systems in and throughout Florida; providing exemptions to the authority from regulation and taxation; providing special district ad valorem taxing; providing for issuance of bonds, pledging of assets and revenue; defining the transportation area and providing for operation and expansion; amending section 99.012, 1970 supplement to Florida Statutes; providing an effective date.

—and has refused to concur in Senate Amendments 13 and 17.

Senate Amendment 13—

On page 13, line 17, add a new section 10 as follows:

Section 10. Regional authorities created hereunder shall be assigned and transferred to the Department of Transportation by a type one (1) transfer.

Renumber the present Section 10 and subsequent sections.

Senate Amendment 17—

In title, line 14, following "expansion;" add the following: providing a type one (1) transfer of authorities created to Department of Transportation;

—and requests the Senate to recede therefrom.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

On motions by Senator Poston, the Senate receded from amendments 13 and 17 to HB 28-C.

HB 28-C passed as amended and the action of the Senate was certified to the House. The vote was: Yeas—54 Nays—None

Mr. President	Ducker	Knopke	Reuter
Barron	Fincher	Lewis (33rd)	Sayler
Barrow	Gong	Lewis (43rd)	Scarborough
Bishop	Graham	McClain	Stolzenburg
Boyd	Haverfield	Myers	Trask
Brantley	Horne	Ott	Ware
Childers	Johnson (29th)	Plante	Weissenborn
Daniel	Johnson (34th)	Pope	
de la Parte	Karl	Poston	

By unanimous consent Senator Beaufort was recorded as voting yea.

PAIR

The following pair was announced by the Secretary in accordance with Senate Rule 5.4:

I am paired with Senator Gunter on HB 28-C. If he were present he would vote "yea" and I would vote "nay."

Richard J. Deeb, 22nd District

The Honorable Jerry Thomas
President of the Senate

June 24, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has refused to recede from House Amendments 1, 2, 3, and 4, has reconsidered, further amended and passed, as further amended—

By the Committee on Ways and Means —

SB 9-C—A bill to be entitled An act relating to beverage licenses; amending section 561.34, Florida Statutes, providing for revision of the state, county, and municipal license taxes

on dealers in alcoholic beverages; repealing section 561.36 and subsection 561.26(2), Florida Statutes; amending section 561.35, Florida Statutes; creating section 561.342, Florida Statutes, providing for the return of a percentage of the state license tax to the counties and municipalities; providing an effective date.

House Amendment 1—

On page 1, line 15, strike everything after the enacting clause and insert the following:

Section 1. Subsections 561.46(2), (3), (4), (5) and (6), Florida Statutes, are amended to read:

561.46 Excise tax on beverages; exemptions.—

(2)(a) As to beverages including wines, except natural sparkling wines and malt beverages, containing more than one per cent alcohol by weight and less than fourteen per cent alcohol by weight, there shall be paid by all manufacturers and distributors a tax at the rate of one dollar and fifteen cents per gallon.

(b) As to all wines, except natural sparkling wines, containing more than one per cent alcohol by weight and less than fourteen per cent alcohol by weight, manufactured in Florida from Florida-grown fresh fruits, berries or grapes and not from concentrates thereof, except concentrates of fruits, berries or grapes grown and concentrated in Florida and bottled in Florida and upon all other such beverages except malt beverages, containing more than one per cent alcohol by weight and less than fourteen per cent alcohol by weight manufactured and bottled in Florida from Florida-grown citrus products, citrus by-products, honey, fresh fruits, berries, grapes, sugar cane, guavas, potatoes, peaches, papayas, strawberries and mangoes, and not from concentrates thereof except concentrates grown and concentrated in the state the tax imposed by paragraph (a) hereof shall not apply provided, however, that in lieu thereof there shall be paid by all manufacturers and distributors a tax of twenty-three cents per gallon upon such beverages. *Provided further, that the rate of tax imposed by this paragraph shall be increased by the following schedule:*

October 1, 1971 - 11.5%; October 1, 1972 - 11.5%

October 1, 1973 - 11.5%

(3) As to all wines, except natural sparkling wines containing fourteen per cent or more alcohol by weight, there shall be paid by manufacturers and distributors a tax at the rate of one dollar sixty cents per gallon; provided, however, that there shall be paid by all manufacturers and distributors a tax of thirty-five cents per gallon and no more upon all wines manufactured in Florida from fresh fruits, berries or grapes and not from concentrates thereof, except concentrates of fruits, berries or grapes grown and concentrated in the state, bottled within this state and containing fourteen per cent or more of alcohol by weight. *Provided, further, that the rate of tax imposed on beverages made from Florida products by this subsection shall be increased by the following schedule:*

October 1, 1971 - 15¢; October 1, 1972 - 15¢; October 1, 1973 - 15¢.

(4) As to natural sparkling wines there shall be paid by all manufacturers and distributors a tax at the rate of two dollars thirty cents per gallon; provided, however, that there shall be paid by all manufacturers and distributors a tax of forty-six cents per gallon and no more, upon all natural sparkling wines manufactured in Florida from fruits, berries or grapes and not from concentrates thereof, except concentrates of fruits, berries or grapes grown and concentrated in this state and bottled within this state. *Provided, further, that the rate of tax imposed on beverages made from Florida products by this subsection shall be increased by the following schedule:*

October 1, 1971 - 25¢; October 1, 1972 - 23¢; October 1, 1973 - 23¢.

(5)(a) As to beverages containing fourteen per cent or more of alcohol by weight and not more than forty-eight per cent of alcohol by weight, except wines, there shall be paid by all manufacturers, distributors and vendors a tax at the rate of ~~three~~ two dollars and seventy-five ~~six~~ cents per gallon. ~~The additional tax due by vendors shall be payable on or before July 21, 1969.~~

(b) As to all such beverages manufactured and bottled in Florida from Florida-grown citrus products, citrus by-products, honey, fresh fruits, berries, grapes, sugar cane, guavas, potatoes, peaches, papayas, strawberries and mangoes, and not from concentrates thereof, except concentrates grown and concentrated in the state the tax imposed by paragraph (a) hereof shall not apply; provided, however, that in lieu thereof there shall be paid by all manufacturers and distributors a tax at the rate of *ninety-five and eight-tenths fifty-six* cents per gallon. *Provided, further, that the rate of tax imposed by this paragraph shall be increased by the following schedule:*

October 1, 1971 - 30.9¢; October 1, 1972 - 30.9¢; October 1, 1973 - 30.9¢.

(6)(a) As to beverages containing more than forty-eight per cent of alcohol by weight, there shall be paid by all manufacturers, distributors and vendors a tax at the rate of *seven five* dollars and *fifty-two* cents per gallon.

(b) As to all such beverages manufactured and bottled in Florida from Florida-grown citrus products, citrus by-products, honey, fresh fruits, berries, grapes, sugar cane, guavas, potatoes, peaches, papayas, strawberries and mangoes, and not from concentrates thereof except concentrates grown and concentrated in the state the tax imposed by paragraph (a) hereof shall not apply; provided, however, that in lieu thereof there shall be paid by all manufacturers and distributors a tax at the rate of one dollar *eighty-nine* and *six-tenths ten* cents per gallon. *Provided, further, that the difference between the rate of tax imposed by this paragraph and the rate of tax imposed by paragraph (a) of this subsection shall be reduced and eliminated by the following schedule:*

October 1, 1971 - 61.8¢; October 1, 1972 - 61.8¢;

October 1, 1973 - 61.8¢.

Section 2. Sections 561.461 and 561.64, Florida Statutes, are hereby repealed.

Section 3. Subsection 561.26(2), Florida Statutes, relating to the equality of the county license taxes to the state license taxes imposed under the chapter is hereby repealed.

Section 4. Section 561.36, Florida Statutes, relating to municipal license taxes is hereby repealed.

Section 5. Section 561.34, Florida Statutes, is amended to read:

561.34 License fees; vendors.—

(1) Each vendor of malt beverages containing alcohol of more than one percent by weight shall pay an annual state license tax as follows:

~~(a) Vendors of malt beverages containing alcohol of more than one per cent by weight fifteen dollars.~~

~~(b) In counties that have voted against the sale of intoxicating beverages, vendors of beverages containing alcohol of more than one per cent by weight and not more than three and two tenths per cent by weight, fifteen dollars.~~

~~(c) Vendors of malt beverages containing alcohol of more than one percent by weight for consumption off the premises only, seven and one-half dollars.~~

~~(d) In counties that have voted against the sale of intoxicating beverages, vendors of beverages containing alcohol of more than one per cent by weight and not more than three and two tenths per cent by weight for consumption off the premises only, seven and one-half dollars.~~

~~(2)(a) Vendors of beverages containing alcohol of more than one per cent by weight and not more than fourteen per cent by weight, and wines regardless of alcoholic content, fifty dollars.~~

~~(b) Vendors of beverages containing alcohol of more than one per cent by weight and not more than fourteen per cent by weight and wines regardless of alcoholic content, for consumption off the premises only, twenty-five dollars.~~

(a) Vendors operating places of business where beverages are sold only for consumption off the premises, an amount equal to fifty percent of the amount of the license tax herein provided for vendors in the same county operating places of business where consumption on the premises is permitted.

(b) Vendors operating places of business where consumption on the premises is permitted in counties having a population of over one hundred thousand, according to the latest state or federal census, two hundred dollars.

(c) Vendors operating places of business where consumption on the premises is permitted in counties having a population of over seventy-five thousand and not over one hundred thousand, according to the latest state or federal census, one hundred sixty dollars.

(d) Vendors operating places of business where consumption on the premises is permitted in counties having a population of over fifty thousand and less than seventy-five thousand, according to the latest state or federal census, one hundred twenty dollars.

(e) Vendors operating places of business where consumption on the premises is permitted in counties having a population of over twenty-five thousand and less than fifty thousand, according to the latest state or federal census, eighty dollars.

(f) Vendors operating places of business where consumption on the premises is permitted in counties having a population of less than twenty-five thousand, according to the latest state or federal census, forty dollars.

(2) ~~(a)~~ Each vendor ~~Vendors~~ of beverages containing alcohol of more than one percent by weight and not more than fourteen percent by weight, and wines regardless of alcoholic content, shall pay an annual state license tax as follows:

(a) Vendors operating places of business where beverages are sold only for consumption off the premises, an amount equal to fifty percent of the amount of the license tax herein provided for vendors in the same county operating places of business where consumption on the premises is permitted.

(b) Vendors operating places of business where consumption on the premises is permitted in counties having a population of over one hundred thousand, according to the latest state or federal census, two hundred eighty dollars.

(c) Vendors operating places of business where consumption on the premises is permitted in counties having a population of over seventy-five thousand and not over one hundred thousand, according to the latest state or federal census, two hundred forty dollars.

(d) Vendors operating places of business where consumption on the premises is permitted in counties having a population of over fifty thousand and less than seventy-five thousand, according to the latest state or federal census, two hundred dollars.

(e) Vendors operating places of business where consumption on the premises is permitted in counties having a population of over twenty-five thousand and less than fifty thousand, according to the latest state or federal census, one hundred sixty dollars.

(f) Vendors operating places of business where consumption on the premises is permitted in counties having a population of less than twenty-five thousand, according to the latest state or federal census, one hundred twenty dollars.

(3) The following license taxes shall apply to vendors who are permitted to sell any such beverages regardless of alcoholic content:

(a) Vendors operating places of business where beverages are sold only in sealed containers for consumption off the premises where sold, an amount equal to seventy-five percent of the amount of the license tax herein provided for vendors in the same county as provided in paragraphs (b), (c), (d), (e) and (f) of this subsection. ~~operating places of business where consumption on the premises is permitted.~~

(b) Vendors operating places of business where consumption on the premises is permitted in counties having a population of over one hundred thousand, according to the latest state or federal census, one thousand seven hundred fifty dollars.

(c) Vendors operating places of business where consumption on the premises is permitted in counties having a population over seventy-five ~~sixty~~ thousand and not over one hundred thousand, according to the latest state or federal census, one thousand five hundred ~~six hundred~~ dollars.

(d) Vendors operating places of business where consumption on the premises is permitted in counties having a population of over ~~fifty~~ ~~forty~~ thousand and not over ~~seventy-five~~ ~~sixty~~ thousand, according to the latest state or federal census, ~~one thousand two hundred fifty five~~ hundred dollars.

(e) Vendors operating places of business where consumption on the premises is permitted in counties having a population of over ~~twenty-five~~ ~~ten~~ thousand and not over ~~fifty~~ ~~forty~~ thousand, according to the latest state or federal census, ~~eight hundred twenty-five~~ ~~three~~ hundred dollars.

(f) Vendors operating places of business where consumption on the premises is permitted in counties having a population of ~~twenty-five~~ ~~ten~~ thousand or less, according to the latest state or federal census, ~~six~~ ~~two~~ hundred dollars.

(g) Vendors operating places of business where consumption on the premises is permitted and which have three or more separate locations serving alcoholic beverages for consumption on the licensed premises shall pay in addition to the license tax imposed in paragraphs (b), (c), (d), (e) and (f), one thousand dollars.

(4) Any operator of railroads or sleeping cars in this state may obtain a license to sell the beverages mentioned in the beverage law on passenger trains on the payment of an annual license tax of ~~two thousand five hundred two~~ ~~hundred fifty~~ dollars, said tax to be paid to the division. Such license shall authorize the holder thereof to keep for sale and sell all beverages mentioned in the beverage law upon any dining, club, parlor, buffet or observation car operated by it in this state, but said beverages may be sold only to passengers upon said cars and must be served for consumption thereon. It is unlawful for such licensees to purchase or sell any liquor except in miniature bottles of not more than two ounces. Every such license shall be good throughout the state. No license shall be required or tax levied by any municipality or county for the privilege of selling such beverages for consumption in such cars. Such beverages shall be sold only on cars in which are posted certified copies of the licenses issued to such operator. Such certified copies of such licenses shall be issued by the division upon the payment of a tax of ~~ten~~ ~~one~~ dollar.

(5)(a) Operators of steamships and steamship lines, buses and bus lines, airplanes and airlines engaged in interstate commerce or flying between fixed terminals and upon fixed schedules in this state may obtain licenses to sell the beverages mentioned in the beverage law on steamships, buses and airplanes operated by such operators on payment of an annual license tax of ~~one thousand one~~ hundred dollars, said tax to be paid to the division. Such license shall authorize the holders thereof to keep for sale and sell all beverages mentioned in the beverage law upon any steamship, bus or airplane operated by such operators in this state but said beverages may be sold only to passengers upon such steamships, buses and airplanes and may be served only for consumption thereon. It is unlawful for such licensee to purchase for resale any liquor except in miniature bottles of not more than two ounces or liquor in individual containers of not less than one fifth of one gallon. Such sales shall be permitted only while said steamships, buses and airplanes are in transit and shall not be permitted while such steamships are moored at docks or wharves in ports of this state, or while said buses are at stations, or while airplanes are in airports. Every such license shall be good throughout the state. No license shall be required or tax levied by any municipality or county for the privilege of selling such beverages for consumption on such steamships, buses or airplanes. Such beverages shall be sold only on steamships, buses and airplanes in which are posted certified copies of the license issued to their operators. Certified copies of such license shall be issued by the division upon payment of a fee of ~~twenty five~~ ~~one~~ dollars for each certified copy; provided, that this paragraph shall not apply to operators of pleasure or excursion boats not having regular round trip runs of more than one hundred miles in each direction, but operators of such pleasure or excursion boats may obtain a license, with such boats being designated as their place of business, upon compliance with all the laws relating to vendors operating places of business where consumption on the premises is permitted; provided further, that no license to sell the beverages herein defined shall be issued to the operator of any boat which applies upon or is anchored upon the waters of any lake within this state.

(b) Operators of railroads, sleeping cars, steamships, buses and airplanes licensed under this section shall not be required

to obtain their beverages from licenses under the beverage law, but such operators shall keep strict account of all such beverages sold within this state and shall make monthly reports to the division on the forms prepared and furnished by the division. Said operators are hereby required to pay an excise tax for said beverages sold within this state as to which such excise tax has not theretofore been paid, equal to the tax assessed against manufacturers and distributors. Said operators shall pay said tax monthly to the division at the same time they furnish the reports hereinabove provided for. Said reports shall be filed on or before the fifteenth day of each month for sales for the previous calendar month.

(6) Persons associated together as a chartered or incorporated club, including social clubs incorporated by orders of circuit judges after their charters have been found to be for objects authorized by law and approved by said judges as organized for lawful purposes and not for the purpose of evading license taxes on dealers in beverages defined herein, which such organizations are bona fide clubs, and at the time of application for license hereunder shall have been in continuous active existence and operation for a period of not less than two years in the county where they exist, shall before serving or distributing to their members or nonresident guests the beverages defined herein, whether such service or distribution be made upon contribution to the club of money or by check or other device, pay an annual state license tax ~~taxes~~ of four hundred dollars; as follows:

To the state -----	\$125.00
To the county -----	\$125.00

provided, that any golf club operated by or on behalf of any incorporated municipality in this state, and any veteran's or fraternal organization of national scope, need not have been, or need not be, in continuous active existence or operation for any required period of time prior to an application for license hereunder. The payment of such club license tax shall authorize the service and distribution to members and nonresident guests of the club only and such service and distribution to said members and nonresident guests shall not be deemed sales within the meaning of the law in this state but any service or distribution to anyone other than a member or nonresident guest of such licensed club shall be deemed a sale and any officer, member or employee of any such licensed club who shall sell or distribute or serve any such beverages to any person other than a member or nonresident guest of such club for money or other value shall be deemed guilty of selling such beverages without a license and shall be punished as provided by law. Any officer of any such club which has not paid such license, who shall knowingly permit such service or distribution by such club of the beverages herein defined to members or nonresident guests of such club shall, upon conviction thereof, be punished as herein provided; provided, that this paragraph shall not apply to clubs organized or used for the purpose of evading the payment of the license tax on vendors of such beverages, but such club shall be subject to the payment of the license tax imposed by the beverage law upon vendors. The president, vice-president, secretary or treasurer or officers of corresponding duties, by any name they may be called, of any club required by this section to pay a license tax, shall be required to see that such license tax shall be paid and in default thereof shall each be personally liable to the punishment provided by the beverage law for nonpayment of the license hereby required; provided, further, that clubs not authorized to obtain licenses under this subsection or which do not obtain license under this subsection may, if they comply with this provision of the beverage law, obtain licenses as vendors. Clubs obtaining such club licenses shall not purchase any beverage herein defined from anyone other than a distributor licensed under the beverage law, nor shall such clubs dispense or serve any beverages defined herein unless such beverages shall have been purchased by such club from such licensed distributor; nor shall they dispense or serve any such beverage on which a tax stamp is required by the beverage law unless the containers of such beverages have affixed to them the stamps required by said law. Such club license cannot be transferred in any manner whatsoever.

(7) Caterers at horse and dog race tracks and jai alai frontons may obtain licenses upon the payment of an annual state license tax of ~~six hundred and seventy five~~ ~~two hundred fifty~~ dollars and an annual county license tax of ~~two hundred fifty~~ dollars. Incorporated municipalities may provide for a municipal license tax on such caterers of fifty percent of the state and county license tax, to be deducted from the state and county license tax as provided herein with reference to other municipal

license taxes. Such caterers' licenses shall permit sales only within the enclosure wherein such races or jai alai games are conducted and such licensees shall be permitted to sell only during the period beginning ten days before and ending ten days after racing or jai alai under the authority of the state racing commission of the division of pari-mutuel wagering of the department is conducted at such race track or jai alai fronton. Except as in this subsection otherwise provided caterers licensed hereunder shall be treated as vendors licensed to sell by the drink the beverages mentioned herein and shall be subject to all the provisions hereof relating to such vendors.

(3)(a) Any person, firm or corporation operating a commercial establishment catering to the public by offering live band music, singers or other form of live entertainment and which shall, in addition to said live entertainment, permit consumption of alcoholic beverages on the premises and does not hold a valid beverage license of any classification permitting consumption of said alcoholic beverages on said premises, shall pay a license fee of twenty-five dollars per day for each day of operation in addition to any other license fees now required by law. Such licenses herein required shall be issued by the division of beverage for a period of less than thirty days.

(b) Said premises shall be subject to all general laws and special laws and municipal ordinances regulating the hours of opening and closing as provided for vendors of alcoholic beverages.

(c) The enforcement of this chapter shall be under the division of beverage and the division is hereby authorized to make such necessary rules and regulations to enforce the provisions hereof.

Section 6. Chapter 561, Florida Statutes, is amended by adding new section 561.342 to read:

561.342 County and municipal license tax; caterers, clubs, manufacturers, distributors, exporters and vendors.—

(1) Twenty-two percent (22%) of the license taxes imposed under section 561.34, subsections (1), (2), (3), (6), (7), and section 561.35 collected within the county shall be returned to the appropriate county tax collector.

(2) Thirty-four percent (34%) of the license taxes imposed under section 561.34, subsection (1), (2), (3), (6), (7), and section 561.35 collected within an incorporated municipality shall be returned to the appropriate municipal officer.

(3) No tax on the manufacture, distribution, exportation, transportation, importation or sale of such beverages shall be imposed by way of license, excise or otherwise, by any municipality, anything in any municipal charter, special or general law to the contrary notwithstanding.

Section 7. Section 561.35, Florida Statutes, is amended to read:

561.35 License fees; manufacturers, distributors, exporters.—

(1) Each manufacturer authorized to do business under the beverage law shall pay an annual license tax as follows:

(a) If engaged in the manufacturing or bottling manufacture of wines and of nothing else, a state license tax of *one thousand fifty* dollars.

(b) If engaged in the manufacturing manufacture of wines and cordials and of nothing else, a state license tax of *two thousand one hundred* dollars.

(c) If engaged in the business of brewing malt liquors and nothing else, a state license tax of *three thousand seven hundred* dollars.

(d) If engaged in the business of distilling spirituous liquors and nothing else, a state license tax of *four thousand seven hundred and fifty* dollars.

(e) If engaged in the business of rectifying and blending spirituous liquors and nothing else, a state license tax of *four thousand twelve hundred and fifty* dollars.

(f) Persons licensed hereunder in the business of distilling spirituous liquors may also engage in the business of rectifying and blending spirituous liquors without the payment of an additional license tax.

(g) All persons licensed under paragraphs (a), (b), (c), (d), and (e) of this subsection shall be deemed manufacturers within the meaning of the beverage law.

(h) There shall be a separate license tax for each manufacturing plant or establishment operated in the state even though the same manufacturer operates more than one manufacturing plant or establishment.

(i) Each distributor who shall distribute beverages containing alcohol of more than one percent by weight and not more than three and two tenths percent by weight, in counties where the sale of intoxicating liquors, wines and beers is prohibited, for each and every establishment or branch he may conduct, shall pay an annual state license tax of *one thousand two hundred fifty two hundred* dollars.

(j) Each distributor who shall sell beverages containing alcohol of more than one percent by weight and not more than fourteen percent by weight, and wines regardless of alcoholic content, in counties where the sale of intoxicating liquors, wines and beers is permitted, shall pay for each and every such establishment or branch he may operate or conduct a state license tax of *one thousand two hundred fifty two hundred* dollars.

(k) All other distributors authorized to do business under the beverage law shall pay a state license tax of *four thousand twelve hundred fifty* dollars for each and every establishment or branch they may operate or conduct in the state; provided, that in counties having a population of fifteen thousand or less according to the latest state or federal census the state license tax for a restricted license shall be *one thousand three hundred fifty* dollars, but the holder of such a license shall be permitted to sell only to vendors and distributors licensed in the same county, and such license shall contain such restrictions. In such counties licenses without such restrictions may be obtained as in other counties but the tax for a license without such restrictions shall be the same as in other counties. Warehouses of a licensed distributor used solely for storage, located in the county in which license is issued to such distributors, shall not be construed to be separate establishments or branches.

(2)(1) Each exporter as defined in section 561.14(1), shall pay an annual state license tax of *five hundred one hundred twenty-five* dollars for each and every establishment or branch that such exporter may operate or conduct in this state.

(2) Each manufacturer, distributor and exporter shall pay an annual county license tax equal to the state license tax.

(3) All licenses of manufacturers, distributors and exporters shall be issued annually and shall run from October 1 to the succeeding October 1, except that where a manufacturer, distributor or exporter shall begin business after April 1 in any year he may obtain a license expiring on the succeeding October 1 upon the payment of one half the tax for such annual license.

Section 8. This act shall take effect July 1, 1971; provided, however, that sections three through seven, inclusive, shall take effect September 30, 1971.

House Amendment 2—

On page 21, line 27 insert new Section 8 and re-number remaining sections:

Section 8. Section 561.44(1) and (2) is amended to read:

561.44 Licensing vendors near school or church; zoning regulations in cities and counties.—

(1) Incorporated cities and towns are hereby given the power hereafter to establish zoning ordinances restricting the location wherein a vendor licensed under §561.34 may be permitted to conduct his place of business and no license shall be granted to any such licensee to conduct a place of business in a location where such place of business is prohibited from being operated by such municipal ordinance.

(2) The board of county commissioners of any county of the state may hereafter, by resolution, establish zones or areas, in the territory lying without the limits of incorporated cities or towns, wherein the location of a vendor's place of business licensed under this act may be permitted to be operated; and no license shall be granted to any such licensee to conduct a place of business in a location where such place of business is prohibited from being operated by such resolution, provided, how-

ever, that no license under §561.34(3)(a)-(f) shall be granted to a vendor, in the territory lying without the limits of incorporated cities or towns, whose place of business is within twenty-five hundred feet of an established church or school (which distance shall be measured by following the shortest route of ordinary pedestrian travel along the public thoroughfare from the main entrance of said place of business to the main entrance of the church) and, in the case of a school, to the nearest point of the school grounds in use as part of the school facilities; provided further, that where such established church or school be within the incorporated city or town and the applicant for such license, under §561.34(3)(a)-(f), within the county be outside such incorporated city or town, or in another county and outside any other incorporated city or town, then and in either event such applicant may be granted such license if his place of business be the same or a greater distance from such church or school as required by the ordinance of the incorporated city or town wherein such church or school is located; provided further, that where an established church or school be located in a county outside an incorporated city or town so near the corporate limits of any such city or town that under the ordinances of such city or town a vendor therein shall receive a license under §561.34(3)(a)-(f), within a distance less than twenty-five hundred feet of such church or school, then and in that event any applicant for such license in the county outside such city or town may be issued such license when his place of business is the same or a greater distance from such church or school as any such vendor duly licensed within such incorporated city or town; provided, further, that any such licensed premises located on any populated island the distance from any established church or school shall be two thousand feet. Provided always, that any measurements required by the provisions of this subsection shall be made as heretofore set forth in this subsection.

House Amendment 3—

On page 18, strike all of lines 14 through 18 and insert the following:

(1) *Twenty-four percent (24%) of the license taxes imposed under section 561.34, subsections (1), (2), (3), (6), (7) and section 561.35 collected within the county shall be returned to the appropriate county tax collector.*

(2) *Thirty-eight percent (38%) of the license*

House Amendment 4—

Strike the entire title, and insert the following:

A bill to be entitled An Act relating to beverage taxes and licenses; amending sections 561.46, Florida Statutes, conforming tax rates and reducing the exception to beverage excise taxes for beverages produced from Florida grown products; repealing sections 561.461 and 561.64, Florida Statutes; providing for revision of the state, county and municipal license taxes on dealers in alcoholic beverages; repealing section 561.36 and subsection 561.26(2), Florida Statutes, amending section 561.34, Florida Statutes, amending section 561.35, Florida Statutes, adding new section 561.342, Florida Statutes, to provide for the return of a percentage of the state license tax to the counties and municipalities; amending section 561.44, (1) and (2), Florida Statutes; providing an effective date.

House Amendment 5—

On page 3, strike all of lines 14 and 15 and insert the following: October 1, 1971 - 9¢; October 1, 1972 - 9¢; October 1, 1973 - 9¢; October 1, 1974 - 9¢; October 1, 1975 - 9¢.

House Amendment 6—

On page 4, strike all of lines 3 and 4 and insert the following: October 1, 1971 - 13¢; October 1, 1972 - 12¢; October 1, 1973 - 12¢; October 1, 1974 - 12¢; October 1, 1975 - 12¢.

House Amendment 7—

On page 5, strike all of lines 1 and 2 and insert the following: October 1, 1971 - 18.7¢; October 1, 1972 - 18.5¢; October 1, 1973 - 18.5¢; October 1, 1974 - 18.5¢; October 1, 1975 - 18.5¢.

House Amendment 8—

On page 5, strike all of lines 22 and 23 and insert the following: October 1, 1971 - 37.4¢; October 1, 1972 - 37¢; October 1, 1973 - 37¢; October 1, 1974 - 37¢; October 1, 1975 - 37¢.

House Amendment 9—

On page 2, strike all of lines 23 and 24 and insert the following: October 1, 1971 - 7¢; October 1, 1972 - 7¢; October 1, 1973 - 7¢; October 1, 1974 - 7¢; October 1, 1975 - 6.5¢.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

On motions by Senator Trask, the Senate concurred in House amendments to SB 9-C.

SB 9-C, as further amended, passed, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—24

Mr. President	Daniel	Henderson	Plante
Beaufort	de la Parte	Horne	Reuter
Bishop	Ducker	Karl	Scarborough
Boyd	Fincher	Lewis (43rd)	Trask
Brantley	Graham	McClain	Williams
Childers	Haverfield	Myers	Wilson

Nays—7

Barron	Johnson (34th)	Ott	Ware
Johnson (29th)	Lewis (33rd)	Stolzenburg	

PAIRS

The following pairs were announced by the Secretary in accordance with Senate Rule 5.4:

I am paired with Senator Hollahan on SB 9-C. If he were present he would vote "yea" and I would vote "nay."

Ray C. Knopke, 23rd District

I am paired with Senator Broxson on SB 9-C. If he were present he would vote "yea" and I would vote "nay."

William D. Barrow, 3rd District

I am paired with Senator Arnold on SB 9-C. If he were present he would vote "yea" and I would vote "nay."

Henry B. Saylor, 21st District

I am paired with Senator Gunter on SB 9-C. If he were present he would vote "yea" and I would vote "nay."

Richard J. Deeb, 22nd District

The Honorable Jerry Thomas
President of the Senate

June 24, 1971

Sir:

I am directed to inform the Senate that the House of Representatives concurred in Senate Amendments 1, 2, 3, 4 and 5 to House Amendment 1 to—

By the Committee on Ways and Means—

SB 7-C—A bill to be entitled An act relating to sales and use taxes; amending chapter 212, Florida Statutes, to eliminate partial tax exemptions on vehicles, industrial machinery and commercial fishing vessels; to extend taxation to cable television, complimentary rents, agricultural leases, isolated sales of registered or titled vehicles and boats, fuels and other industrial materials immediately dissipated, ornamental nursery stock, electrical transmission and distribution equipment, and vehicles purchased by rental car companies; to reduce credits for bad debts and repossessions to the extent tax has been paid by

the vendee; to exempt the sale or lease of seeing-eye dogs; to improve administration; providing an effective date.

—and has refused to concur in Senate amendments 6, 7, 8 and 9 which amendments read as follows—

Senate Amendment 6 to House Amendment 1—

On page 2, lines 8 - 9, section 1, insert 1. ASSESSED AS AGRICULTURAL PROPERTY UNDER SECTION 193.461

(and renumber subsequent subsection)

Senate Amendment 7 to House Amendment 1—

On page 4, line 7, section 3, insert 1. ASSESSED AS AGRICULTURAL PROPERTY UNDER SECTION 193.461 (and renumber subsequent subsections)

Senate Amendment 8 to House Amendment 1—

On page 18, lines 13—17, section 11, strike: “; provided, however (and the remainder of the paragraph)” insert . (period)

Senate Amendment 9 to House Amendment 1—

On page 11, line 13, section 7, repeal Subsection (3)

—and requests the Senate to recede therefrom.

And has further amended SB 7-C to conform the title to the content of Senate Amendments 1 and 4 to House Amendment 1—

House Amendment 3—

In the title, strike “complimentary rents” and “to reduce credits for bad debts and repossessions to the extent tax has been paid by the vendee”

and has passed SB 7-C as further amended

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

Senator de la Parte moved that the Senate refuse to recede from Senate amendments 6, 7, 8 and 9 to House amendment 1 to SB 7-C.

Senator Horne moved as a substitute motion that the Senate recede from amendment 9 and refuse to recede from amendments 6, 7 and 8 to House amendment 1 to SB 7-C.

Senator Graham called for division of the question, and that the Senate vote on amendments 6 and 7 together; and vote separately on amendment 8 and amendment 9, which division was agreed to.

On motion by Senator Horne, the rules were waived and time for recess was extended until final action on SB 7-C.

On motion by Senator Beaufort, by two-thirds vote, debate on amendments 6 and 7 was limited to 2 minutes per side.

On motions by Senators de la Parte and Horne the Senate refused to recede from Senate amendments 6 and 7 to House amendment 1 and the House again was requested to concur.

On motions by Senators de la Parte and Horne the Senate refused to recede from Senate Amendment 8 to House amendment 1 and the House again was requested to concur.

The substitute motion by Senator Horne that the Senate recede from Senate amendment 9 to House amendment 1 failed. The vote was:

Yeas—17

Barron	Childers	Johnson (34th)	Saunders
Barrow	Daniel	Lewis (33rd)	Trask
Bishop	Henderson	Ott	
Boyd	Horne	Plante	
Brantley	Johnson (29th)	Reuter	

Nays—21

Mr. President	Gong	Myers	Weissenborn
Beaufort	Graham	Pope	Williams
Deeb	Haverfield	Poston	Wilson
de la Parte	Knopke	Scarborough	
Ducker	Lewis (43rd)	Stolzenburg	
Fincher	McClain	Ware	

The question recurred on the motion by Senator de la Parte that the Senate refuse to recede from Senate amendment 9 to House amendment 1 and the House again be requested to concur therein. The motion was adopted.

On motion by Senator de la Parte, the Senate concurred in House amendment 3 to SB 7-C.

SB 7-C passed as amended, and the action of the Senate was certified to the House. The vote was:

Yeas—19

Beaufort	Gong	Lewis (43rd)	Trask
Boyd	Graham	McClain	Weissenborn
Brantley	Horne	Myers	Williams
de la Parte	Knopke	Saunders	Wilson
Fincher	Lewis (33rd)	Scarborough	

Nays—10

Ducker	Johnson (29th)	Plante	Ware
Haverfield	Johnson (34th)	Reuter	
Henderson	Ott	Stolzenburg	

By unanimous consent Senator Thomas was recorded as voting yea and Senator Barrow as voting nay.

PAIRS

The following pairs were announced by the Secretary in accordance with Senate Rule 5.4:

I am paired with Senator Broxson on SB 7-C. If he were present he would vote “yea” and I would vote “nay.”

W. E. Bishop, 6th District

I am paired with Senator Hollahan on SB 7-C. If he were present he would vote “yea” and I would vote “nay.”

W. D. Childers, 2nd District

I am paired with Senator Gunter on SB 7-C. If he were present he would vote “yea” and I would vote “nay.”

Richard J. Deeb, 22nd District

I am paired with Senator Karl on SB 7-C. If he were present he would vote “yea” and I would vote “nay.”

C. Welborn Daniel, 15th District

The Senate recessed at 1:07 p.m. to reconvene at 2:07 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 2:07 p.m. A quorum present—41:

Mr. President	Ducker	Knopke	Sayler
Barron	Fincher	Lewis (33rd)	Scarborough
Barrow	Gong	Lewis (43rd)	Stolzenburg
Beaufort	Graham	McClain	Trask
Bishop	Haverfield	Myers	Ware
Boyd	Henderson	Ott	Weissenborn
Brantley	Hollahan	Plante	Williams
Childers	Horne	Pope	Wilson
Daniel	Johnson (29th)	Poston	
Deeb	Johnson (34th)	Reuter	
de la Parte	Karl	Saunders	

LOCAL CALENDAR

HB 68-C—A bill to be entitled An act relating to Pinellas County; authorizing the issuance of beverage licenses to golf clubs in Pinellas County which are municipally or privately leased, notwithstanding the provisions of §561.20(6), Florida Statutes; providing an effective date.

On motions by Senator Deeb, by two-thirds vote, HB 68-C was read the second time by title, and by two-thirds vote was read the third time by title, passed and certified to the House. The vote was: Yeas—35 Nays—None

Barron	de la Parte	Lewis (33rd)	Saunders
Barrow	Ducker	Lewis (43rd)	Saylor
Beaufort	Graham	McClain	Scarborough
Bishop	Haverfield	Myers	Stolzenburg
Boyd	Hollahan	Ott	Trask
Brantley	Horne	Plante	Ware
Childers	Johnson (29th)	Pope	Weissenborn
Daniel	Karl	Poston	Wilson
Deeb	Knopke	Reuter	

HB 77-C—A bill to be entitled An act incorporating and chartering a municipality to be known as the Town of Raiford in Union County, Florida, to define its territorial boundaries, to provide for its government, powers, authority, privileges and jurisdiction, to establish the form of government of said town, providing for a referendum election and effective date.

On motions by Senator Pope, by two-thirds vote, HB 77-C was read the second time by title, and by two-thirds vote was read the third time by title, passed and certified to the House. The vote was: Yeas—35 Nays—None

Barron	de la Parte	Lewis (33rd)	Saunders
Barrow	Ducker	Lewis (43rd)	Saylor
Beaufort	Graham	McClain	Scarborough
Bishop	Haverfield	Myers	Stolzenburg
Boyd	Hollahan	Ott	Trask
Brantley	Horne	Plante	Ware
Childers	Johnson (29th)	Pope	Weissenborn
Daniel	Karl	Poston	Wilson
Deeb	Knopke	Reuter	

HB 79-C—A bill to be entitled An act relating to Pasco County; providing that upon approval at a referendum the qualified electors of the county request the legislature to divide the county; providing a referendum.

On motions by Senator Deeb, by two-thirds vote, HB 79-C was read the second time by title, and by two-thirds vote was read the third time by title, passed and certified to the House. The vote was: Yeas—35 Nays—None

Barron	de la Parte	Lewis (33rd)	Saunders
Barrow	Ducker	Lewis (43rd)	Saylor
Beaufort	Graham	McClain	Scarborough
Bishop	Haverfield	Myers	Stolzenburg
Boyd	Hollahan	Ott	Trask
Brantley	Horne	Plante	Ware
Childers	Johnson (29th)	Pope	Weissenborn
Daniel	Karl	Poston	Wilson
Deeb	Knopke	Reuter	

HB 46-C—A bill to be entitled An act relating to the designation of Kirby Storter Park; providing for the naming of a specifically described roadside park on state road 90 in Collier County; authorizing the erection of appropriate markers; providing an effective date.

On motions by Senator Stolzenburg, by two-thirds vote, HB 46-C was read the second time by title, and by two-thirds vote was read the third time by title, passed and certified to the House. The vote was: Yeas—35 Nays—None

Barron	de la Parte	Lewis (33rd)	Saunders
Barrow	Ducker	Lewis (43rd)	Saylor
Beaufort	Graham	McClain	Scarborough
Bishop	Haverfield	Myers	Stolzenburg
Boyd	Hollahan	Ott	Trask
Brantley	Horne	Plante	Ware
Childers	Johnson (29th)	Pope	Weissenborn
Daniel	Karl	Poston	Wilson
Deeb	Knopke	Reuter	

On motion by Senator Horne, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jerry Thomas
President of the Senate

June 24, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By the Committee on Ways and Means—

CS for SB 42-C—A bill to be entitled An act relating to the cigarette tax; amending section 210.025, Florida Statutes, to provide for an increase in the additional state cigarette tax to fund municipal financial assistance grants; amending Section 210.05, Florida Statutes, to limit dealer discounts; providing requirements for eligibility for receipt of grants; providing an allocation formula; providing an appropriation; providing an effective date.

Amendment 1—

On page 1, line 18, strike all of section 1 and insert the following:

Section 1. Chapter 210, Florida Statutes, is amended by adding new section 210.026 to read:

210.026 Additional cigarette tax.—

(1) In addition to the tax imposed by sections 210.02 and 210.025, there shall be imposed a tax of two cents for each package, as defined in section 210.02(3), (4) and (5), without regard for the length of the cigarette.

(2) For the period July 1, 1971, through September 30, 1971, the proceeds of the tax imposed by subsection (1) shall be paid to the general revenue fund of the state. Commencing October 1, 1971, the proceeds of the tax imposed by subsection (1) shall be paid to the state treasurer to the credit of the municipal financial assistance trust fund, which fund is hereby created.

Amendment 2—

In the title on page 1, line 5, strike amending section 210.025 and insert the following: adding a new section 210.026

Amendment 3—

On page 3, strike all of lines 14 through 17 and insert the following: fund. Each municipality shall receive a pro rata

Amendment 4—

On page 3, line 18, strike lines 18, 19, and "census" on line 20 and insert the following: amount of the total collected in the county, to be distributed to the municipality in such proportion as the population of the municipality is to the total population of the other municipalities in the county

Amendment 5—

On page 3, after line 25, insert the following: Municipalities levying more than ten mills, except for debt service or other special millages authorized by the voters, on the effective date of this act are hereby required to reduce their operating millages for their fiscal year 1971-72 by the number of mills and fraction thereof that would have been necessary to raise eighty percent (80%) of the revenues hereby replaced for the period October 1, 1971 to October 1, 1972. This shall not require a reduction or rollback below ten mills. For purposes of this rollback requirement, the term "municipalities" shall not include a consolidated city-county form of government levying a millage not identifiable by millage for county government and for city government.

Amendment 6—

In the title, line 11, strike providing requirements for eligibility for receipt of grants and insert the following: providing

for roll-back; providing for disbursement to general revenue fund for collections from July 1, 1971 to October 1, 1971;

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

On motions by Senator Myers, the Senate concurred in House amendments 1 and 2 to CS for SB 42-C.

Senator Myers moved that the Senate concur in House amendment 5 to CS for SB 42-C.

On motion by Senator Graham the following amendment to House amendment 5 was adopted:

Strike lines 2-4 and insert: voters, on October 1, 1972, are hereby required to reduce their operating millages for the fiscal year 1972-73 by the number of mills and fraction thereof

On motion by Senator Graham the following amendment to House amendment 5 was adopted:

Strike on line 8, "1, 1971 to October 1, 1972." and insert: 1, 1972 to October 1, 1973.

On motion by Senator Myers, the Senate concurred in House amendment 5 as amended.

On motion by Senator Myers, the Senate concurred in House amendment 6.

Senator Myers moved that the Senate refuse to concur in House amendment 4.

Pending consideration thereof, Senators Hollahan and Haverfield offered the following amendment to House amendment 4 which was adopted on motion by Senator Hollahan:

Following the word "county", at the end of the amendment add the following: amount of the total collected in the county to be distributed to the municipality in such proportion as the population of the municipality is to the total population of the other municipalities in the county. *Counties which, under the Constitution exercise powers conferred by general law upon municipalities shall receive a share of that county's revenue in a ratio of the population of the unincorporated area of that county to the entire population of the county.*

On motion by Senator Graham the following amendment to House amendment 4 was adopted:

On line 6, strike the period and insert: after the word county qualified to receive distributions under this act.

The question recurred on the motion by Senator Myers that the Senate refuse to concur in House amendment 4.

On substitute motion by Senator Horne, the Senate concurred in House amendment 4 as amended.

Senator Myers moved that the Senate refuse to concur in House amendment 3 to CS for SB 42-C and that the House be requested to recede therefrom.

Pending consideration thereof, on motion by Senator Bishop the following amendment to House amendment 3 was adopted:

On page 1, line 20, section 3, strike (.) and insert: (,) however, if there are no municipalities within a county that qualify, the monies shall go to that county.

The question recurred on the motion by Senator Myers.

On motion by Senator Poston, debate on the amendment was limited to two minutes per side.

Senator Barron moved as a substitute motion that the Senate concur in House amendment 3 as amended. The substitute motion failed by the following vote:

Yeas—12

Barron	Deeb	Johnson (34th)	Saunders
Bishop	Ducker	Pope	Stolzenburg
Childers	Johnson (29th)	Reuter	Wilson

Nays—26

Mr. President	Fincher	Knopke	Scarborough
Barrow	Gong	Lewis (33rd)	Trask
Beaufort	Graham	Lewis (43rd)	Ware
Boyd	Haverfield	McClain	Weissenborn
Brantley	Hollahan	Myers	Williams
Daniel	Horne	Poston	
de la Parte	Karl	Sayler	

The question recurred on the motion by Senator Myers and the Senate refused to concur in House amendment 3, and the House was requested to recede therefrom.

CS for SB 42-C passed as amended and the action of the Senate was certified to the House. The vote was:

Yeas—29

Mr. President	Graham	McClain	Scarborough
Beaufort	Haverfield	Myers	Trask
Boyd	Horne	Ott	Weissenborn
Brantley	Johnson (29th)	Plante	Williams
Daniel	Karl	Pope	Wilson
Deeb	Knopke	Poston	
de la Parte	Lewis (33rd)	Reuter	
Gong	Lewis (43rd)	Sayler	

Nays—10

Barron	Ducker	Johnson (34th)	Ware
Barrow	Henderson	Saunders	
Childers	Hollahan	Stolzenburg	

By unanimous consent Senator Fincher was recorded as voting yea.

PAIR

The following pair was announced by the Secretary in accordance with Senate Rule 5.4:

I am paired with Senator Gunter on CS for SB 42-C. If he were present he would vote "yea" and I would vote "nay."

W. E. Bishop, 6th District

Senator Stolzenburg moved that the Senate reconsider the vote by which the Senate concurred in House amendment 1 to CS for SB 42-C this day. The motion failed and the Senate refused to reconsider the vote.

The Honorable Jerry Thomas
President of the Senate

June 24, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments 1, 2, 4, 5, 6, 7, 8 and 9 to House amendment 1 and concurred in the Senate amendment to House amendment 5 to—

By the Committee on Ways and Means—

SB 5-C—A bill to be entitled An act relating to corporations; repealing present sections 608.32, 608.33, 608.34 and 608.35,

Florida Statutes, prescribing the filing of annual reports and imposing a capital stock tax; creating new sections 608.32, 608.33 and other sections in chapter 608, Florida Statutes, defining corporations, removing exemptions for railroad, pullman, telephone, telegraph, insurance, banking and trust companies, building and loan associations and cooperative marketing associations and prescribing the filing of corporation returns and the imposition of an annual corporate privilege tax on corporate net worth; creating chapter 214, Florida Statutes, providing for administrative procedures, judicial review, penalties, interest, crimes and apportionment rules; amending section 608.05 and subsection 613.02(1), Florida Statutes, providing for payment of the corporate privilege tax upon incorporation and qualification to do business in Florida; requiring the department of revenue to provide information regarding this act; repealing section 193.701, Florida Statutes, relating to the railroad license tax; providing an effective date; providing for statutory revisions; providing for suspension of the tax so long as an income tax is imposed by the state; providing a severability clause.

(House amendment 1 attached to original bill.)

And has refused to concur in Senate amendment 3 to House amendment 1—

Senate Amendment 3 to House Amendment 1—

On page 8, line 1, strike the period (.) and insert the following: ; provided however, that in the case of a corporation described in subsection 608.311(2), Florida Statutes, the tax is imposed on that portion of the book value of said corporation's net worth which is in the same ratio as the aggregate book value of all assets other than intangible personal property is to the aggregate book value of all assets of said corporation.

and requests the Senate to recede therefrom.

—and has further amended SB 5-C to conform the title to the content of Senate amendment 6 to House amendment 1

House amendment 7—

In the title, strike providing for suspension of the tax so long as an income tax is imposed by the state; and insert the following: providing for sections of the act to become inoperative when a tax is imposed by the state on the net income of corporations.

and has passed SB 5-C as further amended and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

On motions by Senator de la Parte, the Senate receded from amendment 3 to House amendment 1 and concurred in House amendment 7 to SB 5-C.

SB 5-C passed as further amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—24

Mr. President	Gong	Lewis (33rd)	Saunders
Beaufort	Graham	Lewis (43rd)	Scarborough
Boyd	Haverfield	McClain	Trask
Brantley	Johnson (34th)	Myers	Weissenborn
Childers	Karl	Plante	Williams
de la Parte	Knopke	Pope	Wilson

Nays—14

Barron	Fincher	Johnson (29th)	Stolzenburg
Bishop	Henderson	Ott	Ware
Daniel	Hollahan	Poston	
Ducker	Horne	Reuter	

By unanimous consent Senator McClain changed his vote from yea to nay.

PAIRS

The following pairs were announced by the Secretary in accordance with Senate Rule 5.4:

I am paired with Senator Gunter on SB 5-C. If he were present he would vote "yea" and I would vote "nay."

Richard J. Deeb, 22nd District

I am paired with Senator Arnold on SB 5-C. If he were present he would vote "yea" and I would vote "nay."

Henry Sayler, 21st District

I am paired with Senator Broxson on SB 5-C. If he were present he would vote "yea" and I would vote "nay."

William D. Barrow, 3rd District

The Honorable Jerry Thomas
President of the Senate

June 24, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments 6, 7 & 8 to House amendment 1 to—

By the Committee on Ways and Means—

SB 7-C—A bill to be entitled An act relating to sales and use taxes; amending chapter 212, Florida Statutes, to eliminate partial tax exemptions on vehicles, industrial machinery and commercial fishing vessels; to extend taxation to cable television, agricultural leases, isolated sales of registered or titled vehicles and boats, fuels and other industrial materials immediately dissipated, ornamental nursery stock, electrical transmission and distribution equipment, and vehicles purchased by rental car companies; to exempt the sale or lease of seeing-eye dogs; to improve administration; providing an effective date.

and again refused to concur in Senate amendment 9 to House amendment 1 and again requests the Senate to recede—

Senate Amendment 9 to House Amendment 1

On page 11, line 13, section 7, repeal Subsection (3)

and has further amended SB 7-C to conform the title to the content of Senate Amendments 6, 7 & 8 to House Amendment 1

House amendment 4

In the title, strike "agricultural leases"

and has passed SB 7-C as further amended

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

Senator Barrow moved that the Senate recede from amendment 9 to House amendment 1.

Senator Weissenborn moved as a substitute motion that the Senate refuse to recede and respectfully request the House to concur and in the event the House refused to concur, request the Speaker to appoint a conference committee to confer with a like committee to be appointed by the President of the Senate to adjust the differences existing between the two houses.

On motion by Senator Beaufort, by two-thirds vote, debate on the substitute motion was limited to 2 minutes per side.

The question recurred on the substitute motion which failed by the following vote:

Yeas—18

Mr. President	Gong	McClain	Ware
Deeb	Graham	Myers	Weissenborn
de la Parte	Haverfield	Poston	Wilson
Ducker	Hollahan	Scarborough	
Fincher	Lewis (43rd)	Stolzenburg	

Nays—21

Barron	Childers	Karl	Sayler
Barrow	Daniel	Lewis (33rd)	Trask
Beaufort	Henderson	Ott	Williams
Bishop	Horne	Plante	
Boyd	Johnson (29th)	Pope	
Brantley	Johnson (34th)	Reuter	

By unanimous consent, Senator Williams changed his vote from nay to yea.

Senator de la Parte moved as a substitute motion that the Senate refuse to recede from amendment 9 to House amendment 1 and the House again be requested to concur therein. The substitute motion failed by the following vote:

Yeas—20

Mr. President	Gong	Knopke	Stolzenburg
Deeb	Graham	Lewis (43rd)	Ware
de la Parte	Haverfield	McClain	Weissenborn
Ducker	Hollahan	Myers	Williams
Fincher	Karl	Poston	Wilson

Nays—21

Barron	Childers	Lewis (33rd)	Sayler
Barrow	Daniel	Ott	Scarborough
Beaufort	Henderson	Plante	Trask
Bishop	Horne	Pope	
Boyd	Johnson (29th)	Reuter	
Brantley	Johnson (34th)	Saunders	

The question recurred on the motion by Senator Barrow and the motion failed by the following vote:

Yeas—20

Barron	Brantley	Johnson (29th)	Plante
Barrow	Childers	Johnson (34th)	Reuter
Beaufort	Daniel	Karl	Sayler
Bishop	Henderson	Lewis (33rd)	Scarborough
Boyd	Horne	Ott	Trask

Nays—20

Mr. President	Gong	Lewis (43rd)	Stolzenburg
Deeb	Graham	McClain	Ware
de la Parte	Haverfield	Myers	Weissenborn
Ducker	Hollahan	Pope	Williams
Fincher	Knopke	Poston	Wilson

On motion by Senator Pope, the Senate reconsidered the vote by which the foregoing motion failed. The vote was:

Yeas—29

Mr. President	Daniel	Karl	Saunders
Barron	de la Parte	Knopke	Sayler
Barrow	Gong	Lewis (33rd)	Scarborough
Beaufort	Henderson	McClain	Trask
Bishop	Hollahan	Ott	Williams
Boyd	Horne	Plante	
Brantley	Johnson (29th)	Pope	
Childers	Johnson (34th)	Reuter	

Nays—12

Deeb	Graham	Myers	Ware
Ducker	Haverfield	Poston	Weissenborn
Fincher	Lewis (43rd)	Stolzenburg	Wilson

The question recurred on the motion by Senator Barrow that the Senate recede from amendment 9 to House amendment 1 and the motion was adopted by the following vote:

Yeas—21

Barron	Childers	Karl	Reuter
Barrow	Daniel	Lewis (33rd)	Saunders
Beaufort	Henderson	McClain	Trask
Bishop	Horne	Ott	
Boyd	Johnson (29th)	Plante	
Brantley	Johnson (34th)	Pope	

Nays—20

Mr. President	Gong	Lewis (43rd)	Stolzenburg
Deeb	Graham	Myers	Ware
de la Parte	Haverfield	Poston	Weissenborn
Ducker	Hollahan	Sayler	Williams
Fincher	Knopke	Scarborough	Wilson

On motion by Senator de la Parte, the Senate concurred in House amendment 4 to SB 7-C.

SB 7-C passed as further amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—19

Mr. President	Daniel	Knopke	Saunders
Beaufort	de la Parte	Lewis (33rd)	Scarborough
Bishop	Graham	McClain	Trask
Boyd	Horne	Myers	Williams
Brantley	Karl	Pope	

Nays—18

Barron	Henderson	Ott	Ware
Childers	Hollahan	Plante	Weissenborn
Ducker	Johnson (29th)	Poston	Wilson
Fincher	Johnson (34th)	Reuter	
Haverfield	Lewis (43rd)	Stolzenburg	

PAIRS

The following pairs were announced by the Secretary in accordance with Senate Rule 5.4:

I am paired with Senator Broxson on SB 7-C. If he were present he would vote "yea" and I would vote "nay."

William D. Barrow, 3rd District

I am paired with Senator Gunter on SB 7-C. If he were present he would vote "yea" and I would vote "nay."

Richard J. Deeb, 22nd District

I am paired with Senator Gong on SB 7-C. If he were present he would vote "yea" and I would vote "nay."

Henry Sayler, 21st District

The Honorable Jerry Thomas
President of the Senate

June 24, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has refused to recede from House amendments 1 & 2 to—

By Senator Poston and others—

SB 20-C—A bill to be entitled An act relating to motor fuels; amending §208.08(3), Florida Statutes, as amended and transferred by chapter 70-995, Laws of Florida, to §206.45(3), Florida Statutes, and creating §§206.45(4) and 206.605, Florida Statutes, to require payment of an additional one cent (1¢) tax on each gallon of motor fuel sold or brought into the state by a distributor; designating use for counties and cities and manner of apportionment and disbursement; amending §§206.57 and 206.87, Florida Statutes, to reflect the increase in tax levy; amending §206.91, Florida Statutes, in connection with deduction allowed dealer; adding section 206.961, Florida Statutes, granting exemptions to certain dealers; providing an effective date.

House Amendment 1—

On page 1, line 25, strike everything after the enacting clause and insert the following: Section 1. Subsection (3) of section 206.45, Florida Statutes, is amended and subsection (4) of said section is created to read:

206.45 Payment of tax into state treasury.—All moneys derived from the gas taxes imposed by part I of this chapter shall be paid into the state treasury by the department, for deposit in the "gas tax collection trust fund", which fund is created and from which the following transfers shall be made:

(1) The first gas tax, after withholding fifty thousand dollars (\$50,000) to be used as a revolving cash balance in the "gas tax collection trust fund", except as provided in section 206.625, Florida Statutes, shall be transferred into the "state roads trust fund", which fund is created for use as provided by law.

(2) The second gas tax shall be remitted to the "state board of administration" for distribution as provided in the Constitution.

(3) The additional seventh cent gas tax collected pursuant to section 206.60, as such may be amended by the 1971 Legislature, shall be distributed as therein provided.

(4) The additional eighth cent gas tax collected pursuant to section 206.605, shall be distributed as therein provided.

Section 2. Section 206.605, Florida Statutes, is created to read:

206.605 Additional eighth cent tax on motor fuel.—

(1) Every distributor of motor fuel, in addition to all other taxes required by law, shall pay an additional tax of one cent (1¢) per gallon for every gallon of motor fuel sold or used by him, or brought into this state by him for sale or for use on which the tax herein provided has not been paid or the payment thereof has not been assumed by a person preceding him in the handling of said lot products. Delivery shall be deemed to be made at the point of destination. This additional license tax of one cent (1¢) per gallon on motor fuel shall be paid to the department monthly as provided in section 206.43.

(2) For the fiscal year beginning July 1, 1971 through June 30, 1972, the proceeds of said tax are hereby appropriated to fund the division of the Florida Highway Patrol of the department of highway safety and motor vehicles. The further proceeds of said tax for the period July 1 to October 1, 1971, are hereby appropriated to the general revenue fund of the state. After October 1, 1971, the further proceeds of said tax shall be transferred into the "local government distribution trust fund", which fund is created for distribution as provided in section 206.605 (3). No deduction from these funds shall be made for the service charge provided in sections 215.20 and 215.22, Florida Statutes.

(3)(a) The department of revenue shall monthly apportion the funds deposited in the "local government distribution trust fund" among the several counties of this state in the following ratio: fifty per cent (50%) based on the ratio of the total "second gas tax" collected on retail sales or use in each county to the total collected in all counties of the state during the previous fiscal year, and fifty per cent (50%) based on the ratio that the total population of the county bears to the total population of the state.

(b) Each county's allocation shall be apportioned by the department as follows: each incorporated municipality shall receive that portion of the county total in a ratio that its popula-

tion bears to the total population of the county, according to the latest official census, and the balance of the county's share shall be paid to the board of county commissioners. Municipalities incorporated after the latest federal census shall receive that portion of the county total in a ratio that its population bears to the total population of the county according to a special census of such municipalities.

(c) The state comptroller shall distribute to each county and municipality of this state each month the amounts certified to him by the department to be due and payable to each county or municipality.

(d) The department shall be responsible for maintaining accurate and complete records of the amounts allocated and remitted to the counties and municipalities under this law and for the proper distribution of the apportioned funds of any county or municipality making an election under subsection (5).

(4) Funds available under this section shall be used only for purchase of road and street rights-of-way, construction, reconstruction, maintenance of roads and streets, for the adjustment of city-owned utilities as required by road and street construction, and the construction, reconstruction, transportation related public safety activities, maintenance, and operation of transportation facilities. Municipalities and counties are authorized to expend the funds received under this section in conjunction with other cities or counties or state or federal government in joint projects.

(5)(a) If any county or municipality subject to this act does not have the transportation facilities capability, the county or municipality may designate by resolution the projects to be undertaken and the engineering may be thereafter performed and administered and the construction administered by the state department of transportation or, in the case of a municipality, by the appropriate county if said county has the capability and agrees to undertake the projects.

(b) In the event the county or municipality desires the department of transportation to either perform or administer the engineering services or to administer the construction, or both, it must so indicate at the time of the presentation of the annual budget or in the case of the municipality it must so designate at the time the county presents its annual budget.

(6) Municipalities levying more than ten mills, except for debt service or other special millages authorized by the voters, on the effective date of this act are hereby required to reduce their operating millages for their fiscal year 1971-72 by the number of mills and fraction thereof that would have been necessary to raise eighty percent (80%) of the revenues hereby replaced for the period October 1, 1971 to October 1, 1972. This shall not require a reduction or rollback below ten mills.

Section 3. Subsection (1) of section 206.57, Florida Statutes, is amended to read:

206.57 Gasoline tax imposed upon motor fuels in vehicle reservoirs.—

(1) A tax of eight cents (8¢) ~~seven~~ per gallon is fixed and levied on all motor vehicle fuel carried in reserve motor vehicle reservoirs upon which other gasoline taxes of the state have not been paid, and such tax shall be paid into the state treasury to the credit of the general revenue fund.

Section 4. Subsection (1) of section 206.87, Florida Statutes, is amended to read:

206.87 Levy of tax.—

(1) An excise tax of eight cents (8¢) ~~seven~~ per gallon is hereby imposed upon every gallon of special fuel used or sold in this state for use. Unless expressly provided to the contrary in this part, every sale shall be deemed to be for use in this state. This levy of tax is upon the consumer but shall be paid upon the first sale or transfer of title within this state by a dealer, except as expressly provided in this part, who shall act as agent for the state in the collection of said tax whether he be the ultimate seller or not.

Section 5. This act shall take effect July 1, 1971.

House Amendment 2—

In Title, strike the entire title and insert the following.

An act relating to motor fuels; amending subsection 206.45 (3), Florida Statutes, and creating subsection 206.45 (4) and section 206.605, Florida Statutes, to require payment of an additional one cent (1¢) tax on each gallon of motor fuel sold or brought into the state by a distributor; designating use for the state, counties and cities and manner of apportionment and disbursement; amending sections 206.57 and 206.87, Florida Statutes, to reflect the increase in tax levy; providing an effective date.

and has reconsidered, further amended—which amendments read as follows:

Amendment 3—

On page 3, line 1, strike all lines 1-8 and insert the following:

For the period beginning July 1, 1971, and ending September 30, 1972, the proceeds of said tax shall be utilized to fund the division of the Florida Highway Patrol of the department of highway safety and motor vehicles, as provided in items 567 through 571, which are contained in Senate Bill 13-C, the general appropriations act. The proceeds necessary to fund said division shall be distributed to the general revenue fund of the state. The further proceeds of said tax shall be trans-

Amendment 4—

On page 6, line 18, after the period insert the following:

For purposes of this rollback requirement, the term "municipalities" shall not include a consolidated city-county form of government levying a millage not identifiable by millage for county government and for city government.

Amendment 5—

On page 5, line 12, after "purchase of" insert the following:

—and has passed as further amended.

—and requests the concurrence of the Senate therein.

*Respectfully,
ALLEN MORRIS
Clerk, House of Representatives*

Senator Bishop moved the adoption of the following amendment to House amendment 1 which failed:

Lines 16 and 17, section 2, Subsection (4), strike "transportation related public safety activities"

Senators Graham and Wilson offered the following amendment to House amendment 1 which was adopted on motion by Senator Graham:

Section 2, 5th line of Sub. (6), strike—"1971-72" and insert: 1972-73

Senators Graham and Wilson offered the following amendment to House amendment 1 which was adopted on motion by Senator Graham:

Line 8, strike "October 1, 1971 to October 1, 1973" and insert: October 1, 1972 to October 1, 1973

On motion by Senator Brantley, by two-thirds vote, debate on amendments was limited to 2 minutes per side per amendment.

Senator Poston moved the adoption of the following amendment to House amendment 1 which failed:

On last page of bill renumber Section 5 as new Section 6 and insert a new Section 5 to read as follows:

Section 5. Chapter 206, Florida Statutes, is amended by adding Section 206.961:

206.961 A duly licensed dealer who uses special fuel in motor vehicles, a portion of which is consumed for purposes other than the propulsion of the motor vehicle, such as power take-off units, or combustion heaters, shall be entitled to a credit or refund of the tax imposed by section 206.87 on that portion of the special fuel which is consumed for purposes other than the propulsion of the motor vehicle. Said credit or refund shall be in accordance with the rules and regulations promulgated by the department.

The vote was:

Yeas—18

Barrow	Fincher	Knopke	Poston
Bishop	Henderson	Lewis (33rd)	Stolzenburg
Childers	Hollahan	McClain	Trask
Daniel	Johnson (29th)	Plante	
Ducker	Johnson (34th)	Pope	

Nays—19

Mr. President	de la Parte	Myers	Scarborough
Beaufort	Gong	Ott	Weissenborn
Boyd	Graham	Reuter	Williams
Brantley	Haverfield	Saunders	Wilson
Deeb	Lewis (43rd)	Sayler	

Senator Poston moved the adoption of the following amendment to House amendment 1 which failed:

Section 2 strike entire paragraph (2) and insert the following: (2) The proceeds of said tax are hereby appropriated only for purchase of road and street rights-of-way, construction, reconstruction, maintenance of roads and streets, for the adjustment of city-owned utilities as required by road and street construction, and the construction, reconstruction, maintenance, and operation of "transportation facilities," as defined in section 337.022(3), 1970 Supplement to Florida Statutes, 1969, and shall be transferred into the "local government distribution trust fund" which fund is created for distribution as provided in section 206.605(3). No deduction from these funds shall be made for the service charge provided in sections 215.20 and 215.22, Florida Statutes.

On motions by Senator Myers, the Senate concurred in House amendment 1 as amended by the Senate amendments and in House amendments 2, 3, 4 and 5 to SB 20-C.

SB 20-C passed as further amended and the action of the Senate was certified to the House. The vote was:

Yeas—27

Mr. President	Fincher	Lewis (33rd)	Saunders
Beaufort	Graham	McClain	Sayler
Boyd	Henderson	Myers	Scarborough
Brantley	Johnson (29th)	Plante	Trask
Daniel	Johnson (34th)	Pope	Williams
de la Parte	Karl	Poston	Wilson
Ducker	Knopke	Reuter	

Nays—8

Childers	Haverfield	Lewis (43rd)	Ware
Gong	Hollahan	Stolzenburg	Weissenborn

By unanimous consent Senator Weissenborn changed his vote from nay to yea.

PAIRS

The following pairs were announced by the Secretary in accordance with Senate Rule 5.4:

I am paired with Senator Broxson on SB 20-C. If he were present he would vote "yea" and I would vote "nay."

William D. Barrow, 3rd District

I am paired with Senator Arnold on SB 20-C. If he were present he would vote "nay" and I would vote "yea."

W. E. Bishop, 6th District

I am paired with Senator Gunter on SB 20-C. If he were present he would vote "yea" and I would vote "nay."

Richard J. Deeb, 22nd District

*The Honorable Jerry Thomas
President of the Senate*

June 23, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote of the membership and passed—

By Representative Reeves—

HB 25-C—A reviser's bill to be entitled An act relating to the Florida Statutes; amending various sections to conform the statutory language to the terminology of chapter 69-106, Laws of Florida, the Reorganization Act of 1969; repealing various sections and portions of sections that were rendered obsolete by chapter 69-106, Laws of Florida.

—and requests the concurrence of the Senate therein.

*Respectfully,
ALLEN MORRIS
Clerk, House of Representatives*

HB 25-C, contained in the above message, was admitted for introduction by the constitutional two-thirds vote of the membership. The vote was: Yeas—39 Nays—None

Mr. President	Ducker	Knopke	Saunders
Barron	Fincher	Lewis (33rd)	Saylor
Barrow	Graham	Lewis (43rd)	Scarborough
Beaufort	Haverfield	McClain	Stolzenburg
Bishop	Henderson	Myers	Trask
Boyd	Hollahan	Ott	Ware
Brantley	Horne	Plante	Weissenborn
Childers	Johnson (29th)	Pope	Williams
Daniel	Johnson (34th)	Poston	Wilson
Deeb	Karl	Reuter	

HB 25-C was read the first time by title and referred to the Committee on Governmental Efficiency.

On motion by Senator Daniel, by two-thirds vote, HB 25-C was withdrawn from the Committee on Governmental Efficiency and placed on the Calendar.

Senator McClain moved that a bill temporarily numbered as R-52, relating to compulsory school attendance, be admitted for introduction. The motion failed.

Senator Horne moved that the Senate stand in informal recess while the Committee on Rules, Calendar, Privileged Business and Ethics meets in Room 31 for the purpose of establishing a special order calendar. The motion was adopted by the following vote:

Yeas—24

Mr. President	Gong	Karl	Pope
Barron	Graham	Knopke	Poston
Barrow	Haverfield	Lewis (33rd)	Saunders
Boyd	Hollahan	Lewis (43rd)	Trask
Daniel	Horne	Myers	Weissenborn
Fincher	Johnson (29th)	Plante	Williams

Nays—14

Bishop	Ducker	Reuter	Ware
Brantley	Henderson	Saylor	Wilson
Childers	Johnson (34th)	Scarborough	
Deeb	McClain	Stolzenburg	

The Senate was called to order by the President at 5:55 p.m. A quorum present.

REPORT OF COMMITTEE

The Committee on Rules, Calendar, Privileged Business and Ethics respectfully submits the following special order calendar for immediate consideration:

House Bills 27-C, 11-C, 14-C, 21-C and 25-C, with revenue bills received in Messages from the House taking priority.

Respectfully submitted,
George L. Hollahan, Jr.
Chairman

SPECIAL ORDER

HB 27-C—A bill to be entitled An act relating to outdoor advertising; amending section 479.01, Florida Statutes, relating to definitions; amending section 479.02, Florida Statutes, pertaining to enforcement of provisions by the department, providing procedures; adding section 479.025, F. S., providing for execution of agreement; adding section 479.026, F. S., providing for guarantee against loss of funds; amending section 479.03, F. S., relating to territory to which act applies; amending section 479.11(1), F. S., prohibiting the erection of outdoor signs in certain areas; creating section 479.111, F. S., permitting certain advertising signs; amending section 479.16(12), F. S., excepting certain advertisements; adding section 479.23, F. S., providing for removal of signs; adding section 479.24, F. S., providing for compensation for removal of signs; adding section 479.25, F. S., providing that the State of Florida shall not be held responsible for the cost of removal of all signs installed after the effective date of act; providing an effective date.

Was read the third time by title.

Senator Pope moved that debate on HB 27-C be limited to 5 minutes per side. The motion failed to receive the required two-thirds vote. The vote was:

Yeas—19

Beaufort	Gong	Knopke	Stolzenburg
Bishop	Graham	McClain	Ware
Brantley	Henderson	Pope	Weissenborn
de la Parte	Johnson (34th)	Poston	Wilson
Ducker	Karl	Reuter	

Nays—16

Mr. President	Childers	Horne	Plante
Barron	Daniel	Johnson (29th)	Saunders
Barrow	Haverfield	Lewis (33rd)	Saylor
Boyd	Hollahan	Lewis (43rd)	Scarborough

Senator Horne moved the adoption of the following amendment:

Amendment 1—On page 5, line 14, subsection (2) of Section 2 strike said subsection

On motion by Senator Brantley, by two-thirds vote, debate on amendment 1 was limited to 2 minutes per side.

Senator Boyd moved that the Senate reconsider the vote by which debate was limited on amendment 1. The motion failed by the following vote:

Yeas—15

Barrow	Haverfield	Lewis (43rd)	Stolzenburg
Boyd	Horne	Pope	Trask
Daniel	Johnson (29th)	Saunders	Weissenborn
Gong	Lewis (33rd)	Saylor	

Nays—19

Beaufort	Ducker	Karl	Poston
Bishop	Fincher	McClain	Reuter
Brantley	Henderson	Myers	Scarborough
Childers	Hollahan	Ott	Wilson
Deeb	Johnson (34th)	Plante	

The question recurred on the adoption of amendment 1. The amendment failed to receive the required two-thirds vote. The vote was:

Yeas—21

Barron	Daniel	Ott	Weissenborn
Barrow	Deeb	Plante	Williams
Beaufort	Fincher	Saunders	Wilson
Boyd	Horne	Sayler	
Brantley	Johnson (29th)	Scarborough	
Childers	Lewis (33rd)	Trask	

Nays—16

Bishop	Haverfield	Lewis (43rd)	Poston
Ducker	Hollahan	McClain	Reuter
Gong	Karl	Myers	Stolzenburg
Graham	Knopke	Pope	Ware

Senator Horne moved the adoption of the following amendment which failed to receive the required two-thirds vote:

Amendment 2—On page 5, line 27, strike the period and insert: provided, however, any decree is subject to ratification by the legislature before becoming effective.

The vote was:

Yeas—22

Mr. President	Childers	Lewis (33rd)	Trask
Barron	Daniel	Ott	Ware
Barrow	Deeb	Plante	Weissenborn
Beaufort	Fincher	Saunders	Williams
Boyd	Horne	Sayler	
Brantley	Johnson (29th)	Scarborough	

Nays—17

Bishop	Henderson	McClain	Stolzenburg
Ducker	Hollahan	Myers	Wilson
Gong	Karl	Pope	
Graham	Knopke	Poston	
Haverfield	Lewis (43rd)	Reuter	

Senator Lewis (33rd) moved the adoption of the following amendment which failed:

Amendment 3—Strike everything after enacting clause and insert: No new signs can be erected on any Federal financed highways until January 1, 1972

Senator Sayler moved the adoption of the following amendment:

Amendment 4—On page 9, line 19, section 12 strike "July 1," and insert: December 1

Senator Williams moved that the Senate consider House Bills 11-C, 14-C and 25-C and then resume consideration of HB 27-C. The motion failed to receive the two-thirds vote required to establish a special order calendar. The vote was:

Yeas—21

Mr. President	Deeb	Lewis (33rd)	Trask
Barron	de la Parte	Lewis (43rd)	Williams
Beaufort	Fincher	Myers	Wilson
Boyd	Haverfield	Saunders	
Brantley	Horne	Sayler	
Daniel	Karl	Scarborough	

Nays—18

Bishop	Henderson	McClain	Stolzenburg
Childers	Hollahan	Plante	Ware
Ducker	Johnson (29th)	Pope	Weissenborn
Gong	Johnson (34th)	Poston	
Graham	Knopke	Reuter	

Senator Bishop moved that debate on the bill and amendments be limited to 5 minutes. The motion failed to receive the required two-thirds vote. The vote was:

Yeas—25

Beaufort	Graham	Myers	Stolzenburg
Bishop	Henderson	Ott	Ware
Brantley	Hollahan	Plante	Weissenborn
Childers	Johnson (34th)	Pope	Wilson
Ducker	Karl	Poston	
Fincher	Knopke	Reuter	
Gong	McClain	Scarborough	

Nays—14

Mr. President	Deeb	Lewis (33rd)	Trask
Barron	Haverfield	Lewis (43rd)	Williams
Boyd	Horne	Saunders	
Daniel	Johnson (29th)	Sayler	

The Senate resumed consideration of HB 27-C with pending amendment.

Senator Hollahan requested unanimous consent to take up HB 25-C. Senator Reuter objected.

On motion by Senator Hollahan, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jerry Thomas
President of the Senate

June 24, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate amendments 1 and 2 to House amendment 1 to—

By Senator Poston and others—

SB 20-C—A bill to be entitled An act relating to motor fuels; amending §208.08(3), Florida Statutes, as amended and transferred by chapter 70-995, Laws of Florida, to §206.45(3), Florida Statutes, and creating §§206.45(4) and 206.605, Florida Statutes, to require payment of an additional one cent (1¢) tax on each gallon of motor fuel sold or brought into the state by a distributor; designating use for counties and cities and manner of apportionment and disbursement; amending §§206.57 and 206.87, Florida Statutes, to reflect the increase in tax levy; amending §206.91, Florida Statutes, in connection with deduction allowed dealer; adding section 206.961, Florida Statutes, granting exemptions to certain dealers; providing an effective date.

(House amendment 1 attached to original bill)

Senate amendment 1 to House amendment 1—

In section 2 5th line of Sub (6), strike "1971-72" and insert the following: 1972-73

Senate amendment 2 to House amendment 1—

Line 8, strike October 1, 1971 to October 1, 1973 and insert the following: October 1, 1972 to October 1, 1973

—and requests the Senate to recede therefrom.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

On motions by Senator de la Parte, the Senate receded from amendments 1 and 2 to House amendment 1 to SB 20-C, and concurred in House amendment 1.

SB 20-C as amended passed, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—29

Mr. President	Fincher	Lewis (33rd)	Sayler
Beaufort	Gong	McClain	Scarborough
Bishop	Graham	Myers	Trask
Boyd	Henderson	Plante	Williams
Brantley	Horne	Pope	Wilson
Daniel	Johnson (29th)	Poston	
de la Parte	Karl	Reuter	
Ducker	Knopke	Saunders	

Nays—7

Barron	Haverfield	Lewis (43rd)	Ware
Childers	Hollahan	Stolzenburg	

By unanimous consent Senator Weissenborn was recorded as voting yea.

PAIRS

The following pairs were announced by the Secretary in accordance with Senate Rule 5.4:

I am paired with Senator Broxson on SB 20-C. If he were present he would vote "yea" and I would vote "nay."

William D. Barrow, 3rd District

I am paired with Senator Gunter on SB 20-C. If he were present he would vote "yea" and I would vote "nay."

Richard J. Deeb, 22nd District

The Honorable Jerry Thomas
President of the Senate

June 24, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments to House amendments 4 and 5; receded from House amendment 3; and passed as further amended, CS for SB 42-C.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The bill, contained in the above message, was ordered engrossed.

On motion by Senator Daniel, by two-thirds vote, HB 25-C was established as a special order for immediate consideration.

Senator Wilson moved that the Senate recess for 10 minutes to permit the Committee on Rules, Calendar, Privileged Business and Ethics to meet for the purpose of establishing a special order calendar. The motion failed.

HB 25-C—A reviser's bill to be entitled An act relating to the Florida Statutes; amending various sections to conform the statutory language to the terminology of chapter 69-106, Laws of Florida, the Reorganization Act of 1969; repealing various sections and portions of sections that were rendered obsolete by chapter 69-106, Laws of Florida.

On motions by Senator Daniel, by two-thirds vote, HB 25-C was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote was: Yeas—39 Nays—None

Mr. President	Ducker	Karl	Reuter
Barron	Fincher	Knopke	Saunders
Barrow	Gong	Lewis (33rd)	Sayler
Beaufort	Graham	Lewis (43rd)	Scarborough
Bishop	Haverfield	McClain	Stolzenburg
Boyd	Henderson	Myers	Trask
Brantley	Hollahan	Ott	Ware
Childers	Horne	Plante	Williams
Daniel	Johnson (29th)	Pope	Wilson
Deeb	Johnson (34th)	Poston	

Senator Horne moved that the Senate recess to reconvene at 12:01 a.m. The motion failed by the following vote:

Yeas—18

Mr. President	Brantley	Johnson (29th)	Sayler
Barron	Daniel	Lewis (33rd)	Scarborough
Barrow	Deeb	Ott	Trask
Beaufort	Haverfield	Plante	
Boyd	Horne	Saunders	

Nays—21

Bishop	Henderson	McClain	Ware
Childers	Hollahan	Myers	Williams
Ducker	Johnson (34th)	Pope	Wilson
Fincher	Karl	Poston	
Gong	Knopke	Reuter	
Graham	Lewis (43rd)	Stolzenburg	

On motion by Senator Karl, by two-thirds vote, HB 11-C was established as a special order for immediate consideration.

HB 11-C—A bill to be entitled An act relating to ad valorem taxes; amending section 193.122(1), Florida Statutes, providing certification of tax rolls; repealing section 194.033, Florida Statutes, providing review of assessment by arbitration; providing an effective date.

Was read the second time by title. On motion by Senator Williams, by two-thirds vote, HB 11-C was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

Mr. President	Fincher	Karl	Poston
Barron	Gong	Knopke	Reuter
Beaufort	Graham	Lewis (33rd)	Sayler
Bishop	Haverfield	Lewis (43rd)	Scarborough
Boyd	Henderson	McClain	Stolzenburg
Brantley	Hollahan	Myers	Trask
Childers	Horne	Ott	Weissenborn
Daniel	Johnson (29th)	Plante	Williams
Ducker	Johnson (34th)	Pope	Wilson

Nays—2

Deeb Ware

On motion by Senator Horne the following remarks were spread upon the Journal:

In March, 1968, Senator Ralph R. Poston, Chairman of the Senate Transportation Committee, was appointed by the President to serve on the National Highway Safety Advisory Committee. Subsequent to that appointment, he was appointed to serve as Chairman of the Standards Development and Implementation Subcommittee. The primary purpose of the Subcommittee was to encourage the adoption by all 50 State Legislatures of the 16 National Highway Safety Standards adopted in Congress in the 1966 Highway Safety Act, as amended.

One of the primary purposes of enacting the package of safety bills was to bring Florida into compliance with these 16 National Highway Safety Standards and make us Number 1 in the nation.

Based on information received from Washington, after furnishing copies of the legislative acts enacted into law this year, Florida has created for itself the safest environment of any state in the nation and, by so doing, would be Number 1 safety-wise throughout the United States. When starting this

year, we were adjudged to be approximately 20th in the adoption of the safety standards, but 29th in the number of fatalities per 100 million miles traveled.

Our state is concerned with the high cost of insurance, and it is my opinion that when 2% statistically of the drivers cause in excess of 50% of fatalities, and 17% of the drivers cause 90% of the accidents, (these are the habitual alcoholics) . . . that until we deal specifically with this problem, we will not have as safe a driving environment as we are capable of and insurance rates will probably continue to accelerate.

If Florida adopts the Court Administrators bill that will be before us in the expanded call of the Governor, and the pre-arrest breath test, coupled with those 13 bills passed during the 1971 session, we will be almost in 100% compliance with the 16 National Standards.

Mr. L. E. Thompson, Regional Administrator of the U.S. Department of Transportation, stated in his address to the Governor's Highway Safety Commission on June 9, 1971:

"It is imperative that the court administrator bill be passed in order that further progress can be made in upgrading the lower court system. We would encourage the Governor, the Commission and the Governor's Coordinator to continue to encourage the strengthening and professionalization of the lower court system.

To my knowledge, Florida is the only state, nationally, where the Governor has placed the prestige of his office on the line thus encouraging lower court judges to shape up or ship out."

The Court Administrators Bill, SB 710, will add 25¢ as an additional court cost on all moving traffic violations; 10¢ would stay with the Clerk of the Court for cost of the administration, 15¢ would go to the Governor's Highway Safety Director to cover the cost of the administrator and staff. At the end of each year all monies not needed to carry out the cost of this act will be tipped over into the general revenue fund. This bill passed favorably out of Senator Barron's Judiciary—Civil A Committee.

Mr. Thompson further stated that "While other states have been procrastinating in dealing with the drinking driver, Florida has faced up to responsibility by providing both training and equipment for local and state officers to begin enforcing drinking and driving laws currently on the books. The willingness of the Governor to personally encourage lower court judges to enforce the law has meant the difference between a successful handling of the driver with a drinking problem and a continued failure to meet the challenge."

The pre-arrest breath test bill, SB 1081, would allow any person stopped for cause by a police officer to take a test to prove sobriety. This would contrast with the present method of an arrest and then trying to prove innocence. When similar legislation was enacted in England, the traffic accidents were reduced 40% the first month, and after one year I am told is still down 35%. It should be pointed out that Mr. George Brandt, Federal Department of Transportation Traffic Court Specialist, came to Tallahassee on a special trip from Washington, D.C., to testify before the Judiciary—Criminal Committee urging passage of the pre-arrest bill.

Both of these bills were Committee bills, passed by the Transportation Committee, and also passed by the Judiciary Committees.

In a letter from Dr. Joseph H. Davis, Dade County Medical Examiner, he states: "Government in this country has been a miserable failure as far as safety services are concerned. I am absolutely certain that our founding fathers never intended that the Constitution should be used to encourage the slaughter of well over 50,000 citizens each year. It is time to reverse this trend by properly implemented legislation."

Hopefully, if the Governor expands the call during the 1971 special session, Florida will be Number 1 in the nation in providing the safest driving environment of any of our 50 states.

Governor Askew is the only Governor in all of the 50 states who has put the prestige of his office into the fight for highway safety legislation.

Mallory E. Horne

The President announced the appointment of Senators Horne, Karl and Wilson as a select committee to confer with a similar committee on the part of the House of Representatives to inquire into and consider whether the rules dealing with conference committee reports need revision.

By permission the following reports were received:

ENGROSSING REPORTS

Your Engrossing Clerk to whom was referred—

SB 9-C with 8 amendments SB 50-C with 2 amendments
SB 20-C with 5 amendments

—reports that the House amendments have been incorporated and the bills are returned herewith.

ELMER O. FRIDAY
Secretary of the Senate

Your Engrossing Clerk to whom was referred—

SB 5-C with 16 amendments CSSB 42-C with 10 amendments
SB 7-C with 12 amendments

—reports that the Senate and House amendments have been incorporated and the bills are returned herewith.

ELMER O. FRIDAY
Secretary of the Senate

The bills contained in the foregoing reports were ordered enrolled.

Senator Poston moved that time of adjournment be extended until final action on HB 27-C.

Senator Daniel moved as a substitute motion that the Senate recess until 12:05 a.m. The substitute motion failed.

Senator Graham moved as a substitute motion that the Senate recess for 10 minutes to permit the Committee on Rules, Calendar, Privileged Business and Ethics to meet for the purpose of establishing a special order calendar. The substitute motion failed.

Senator Brantley moved as a substitute motion that SB 30-C be withdrawn from the Committee on Rules, Calendar, Privileged Business and Ethics. The substitute motion was adopted.

Senator Hollahan moved that HB 21-C be made a special and continuing order of business.

Senator Plante moved as a substitute motion that the Senate recess to reconvene at 12:01 a.m., June 25. The motion was adopted and the Senate recessed at 7:59 p.m. until 12:01 a.m., June 25, 1971.